# Table of Contents

**IAB CASE NO. IV 2329688**

**NARCOTICS BUREAU**
**INVESTIGATIVE SUMMARY**
**IAB IV2329688**

| | |
|---|---|
| **COMPLAINANT:** | **Los Angeles Police Department**<br>Rampart Station |
| **SUBJECT:** | **Albert Saavedra, #**[redacted]<br>Deputy Sheriff - Bonus 1<br>Narcotics Bureau |
| **LOCATION:** | James M. Wood Blvd. / Burlington Ave.<br>Los Angeles |
| **DATE OF CONDUCT:** | February 15, 2013 |
| **DATE OF DEPT. KNOWLEDGE:** | February 16, 2013 |
| **STATUTE DATE:** | February 15, 2014 |
| **INVESTIGATOR:** | Lieutenant Stefanie Fredericks |

**SUMMARY OF INVESTIGATION:**

On February 15, 2013, at approximately 2320 hours, Los Angeles Police Officers [redacted] and [redacted] from the Rampart Division were patrolling the area of Burlington Avenue and James M. Wood Boulevard in their marked black and white police car. Both officers were "Senior Lead Officers," and as such, they were assigned specific problem areas to patrol. They both described the area they were patrolling as "known for prostitution activity," (refer to LAPD Employee's Report, **Exhibit B**, and transcripts for further).

As the officers turned from southbound Burlington Avenue to westbound James M. Wood, they saw three women (they described as prostitutes) walking west on the north sidewalk of James M. Wood. They also saw a white Nissan Altima (Subject Albert Saavedra's assigned county vehicle) stopped at the north curb line of James M. Wood with its brake lights on and engine running. As they drove up to the Nissan, they saw a dark skinned female (later identified as prostitute [redacted]) walk up to the Nissan's front passenger window. Officer [redacted] activated the public address system of their car and ordered the prostitutes to leave the area.

**Investigative Note:** The two other "prostitutes" left the area and were never identified by LAPD. Attempts to identify them for purposes of this investigation were unsuccessful.

The officers immediately ran the Nissan's license plate number, which returned, "No record on file." They watched [redacted] get into the front passenger seat of the Nissan, and the car then quickly drove away. The Nissan turned north into the alley, just west of Burlington Avenue, and drove at a rapid pace. The officers described the speed of the vehicle as fast enough that they weren't sure if the driver was attempting to evade them. They accelerated to catch up to the car and activated their lights to effect a traffic stop. The vehicle stopped quickly in the Burger King parking lot at 1830 W. 8th Street. The officers began a possible criminal activity (prostitution) investigation.

**Investigative Note:** The investigator drove to the scene and surrounding area on February 16, 2013, during daylight hours. There were three different video cameras mounted on the strip mall of the Burger King. According to the owner of the strip mall (Ms. [redacted] as well as the manager on duty of the Burger King ([redacted], none of the cameras were functional. A search for additional video cameras on surrounding buildings was unsuccessful. There were no videos of this incident located. Photographs were taken (**Exhibit C**).

The officers contacted both Deputy Saavedra (driver) and his passenger (prostitute [redacted]). A few minutes later, Los Angeles Police Sergeant [redacted], Rampart Station, arrived on scene. Sergeant [redacted] activated her personal tape recorder and audio recorded nearly the entire incident (refer to DVD and transcripts, **Exhibits D)**.

Deputy Saavedra told both the officers, as well as Sergeant [redacted] that he was an off duty deputy, and the woman in his car was his "informant."

**Investigative Note:** Deputy Saavedra's off duty status was confirmed via his time sheet for the date of February 15, 2013. The time sheet reflects that his shift ended at [redacted] hours, refer to **Exhibit I.**

Saavedra told Sergeant [redacted] that he worked at the Century Sheriff's Station as a narcotics officer, and [redacted] was his undocumented and unofficial informant. He denied being engaged in any sort of prostitution activity, but did admit he was not supposed to be using the county vehicle while off duty.

The officers spoke to [redacted] during the traffic stop and she initially told them she was Deputy Saavedra's informant. She then quickly admitted that she was not his informant, and that Saavedra had told her to say she was his informant as they were about to get pulled over. She told the officers that she knew Deputy Saavedra as "George," that she had known him for many years, and that as a prostitute, she only got into cars of her regular customers.

Both officers recognized Deputy Saavedra from a prior contact. On February 22, 2012, they had pulled Deputy Saavedra over while he was off duty, driving a county vehicle. They said Saavedra had an unidentified female in the passenger seat of the car. They pulled Saavedra over because he was driving erratically, running stop signs. When they contacted him, he identified himself as an off duty deputy and explained that the female in the car was his narcotics informant. They let him go with a warning only (refer to Senior Lead Officer's Daily Report, **Exhibit E**, and Narcotics Bureau records of county vehicle, **Exhibit F**).

Based on the officers' two separate incidents with Saavedra, they believed he was engaged in prostitution activity; however, because they had not actually witnessed the illegal act and had no other proof, they did not arrest nor cite him. He was released from the scene.

*Witness Statements:*

**Witness LAPD Officer** [redacted] has been a police officer for the Los Angeles Police Department for the past 15 years. She has been assigned to Rampart for the past [redacted], and was working as a Senior Lead Officer at the time of this incident. As a Senior Lead Officer, she was assigned to target specific areas and to conduct outreach with the community.

Officer [redacted] said essentially the following:

During her fifteen years working as a police officer, she has had many contacts with area prostitutes and easily recognizes prostitution activity. On the night of February 15, 2013, she and her partner [redacted] were patrolling the area of James M. Wood and Burlington Avenue, an area she described as having a lot of prostitution activity in the late evening hours. [redacted] said that area is within her assigned beat as a Senior Lead Officer, and she has worked that area with their Vice unit in the past.

While headed south on Burlington Avenue, in their marked black and white unit, [redacted] looked to her right (west on James M. Wood) and saw three prostitutes loitering on the north sidewalk of James M. Wood. They turned onto James M. Wood with the intention of using the loud speaker to sweep the prostitutes off the street. As they turned onto James M. Wood, they saw a white Nissan Altima stopped at the curb by the prostitutes, and one of them was walking toward the passenger side of the car. [redacted] activated her loud speaker, told the prostitutes to leave the area, and told the prostitute that was approaching the white car not to get in. The prostitute [redacted] got into the front passenger seat of the car anyway.

[redacted] ran the license plate of the vehicle which returned, "No record on file." The vehicle drove away and turned north into the alley between Burlington and Bonnie Brae Avenues. They followed in their police car and ran the vehicle's license plate over their radio to confirm the "no record on file" return.

The vehicle drove away from the curb with a "sense of urgency," and drove north down the alley at a "pretty good rate of speed," to the extent that she believed the driver was possibly trying to evade them. They activated their overhead lights at about mid-alley. [redacted] said the vehicle yielded within what was a reasonable distance, but felt it could have stopped sooner than it did.

**Investigative Note:** The distance from the approximate spot where the prostitute got into Saavedra's car and the Burger King is approximately .12 miles, and from mid alley to the Burger King is approximately .05 miles.

[redacted] contacted prostitute [redacted], who remained seated in the passenger seat of the Nissan, while her partner contacted the driver.

[redacted] told [redacted] that she worked for "George" (Saavedra) as his informant. [redacted] asked [redacted] what type of information she provided to George, and [redacted] just shrugged her shoulders. [redacted] then admitted to [redacted] that she had known George for quite a long time, that they hadn't seen each other for about one year, and during that last encounter she had given him oral sex.

[redacted] further explained to [redacted] that George was driving east on James M. Wood, when he made a "cackle" at her. The car made a u-turn and pulled up to the curb. It was then she recognized who George was. He told her to get in to the car, which she did. He then realized the cops were behind them and he told her to get out of the car. She refused as it would look more suspicious. He drove away from the curb. He told [redacted] for the first time that he was a cop, and to tell the police that she was working for him as his informant. [redacted] told [redacted] she only gets into cars with her regular customers, and she will typically engage in sexual acts in the car or sometimes in her hotel room. [redacted] did not indicate what she and George were going to do that night.

[redacted] supervisor, Sergeant [redacted], arrived and she [redacted] joined in to the conversation her partner and Sergeant [redacted] were having with Saavedra. Saavedra kept telling [redacted] things like, "I can't believe you guys don't believe me." He told [redacted] that he was on his way to get some food when he saw [redacted] He told her [redacted] was his informant and she had provided him with a lot of good information in the past. [redacted] laid out the facts to Saavedra, specifically how he was off duty, in a county owned vehicle, he had no gun with him, and had a prostitute in his car. She felt Saavedra's explanation was an insult to her training and experience and she told him that. Saavedra told her he had passed on information, provided by [redacted], to LAPD officers but he did not remember their names.

[redacted] said she particularly did not believe Saavedra's story because she and her partner had stopped him in the past, during which he gave them the same story about the girl in his car being his informant.

[redacted] said in February 2012, she and her partner, [redacted], had contact with Saavedra after he ran a stop sign. They pulled him over. He was driving a vehicle with the license plate number of [redacted], which she recalled was possibly a green minivan.

**Investigative Note:** License number [redacted] belongs to Sheriff's Department vehicle [redacted], a beige 2003 Ford Windstar van, refer to **Exhibit F.**

[redacted] said her partner initially made contact with Saavedra, but she recalled that he seemed anxious because he asked if he could get out of the car right away. Saavedra and [redacted] spoke outside of the vehicle during which time he identified himself as a deputy, that he had a gun in the car, and told [redacted] the girl inside his car was his informant. [redacted] tried to talk to the girl in the car, but she was a Spanish speaker and wanted no contact. They let Saavedra go with a warning (refer to Senior Lead Officer's Daily Report, **Exhibit E).** Although they did not identify the girl inside the car, [redacted] felt she may have been a prostitute based on her appearance.

[redacted] later discussed the incident and felt it was strange because Saavedra was in his gym clothes, on his way to the gym, and had an informant in his car.

**Witness Officer** [redacted] has been a Los Angeles Police Officer for more than 16 years and has been assigned to Rampart for nearly 11 years. She worked patrol as a Senior Lead Officer at the time of this incident. [redacted] has had many contacts with prostitutes in the past, especially during a previous assignment to the Vice unit, and would easily recognize a prostitute if she saw one.

[redacted] related essentially the same as Witness Officer [redacted] had. She added that once the car was stopped in the Burger King parking lot, she contacted the driver and immediately recognized him from their contact a year before. She confirmed that Saavedra had told them the girl in the car was his unofficial informant. Saavedra told her the vehicle (Nissan Altima) was his county vehicle and we was allowed to take it home. He also confirmed that he was gathering information from Ms. [redacted] because he worked undercover at the Century Sheriff's Station.

[redacted] and [redacted] did not arrest Saavedra that night, but did write an "Employee's Report" (**Exhibit B**), as well as a Field Identification Card on both Saavedra and [redacted] (**Exhibit G**).

[redacted] recalled the traffic stop from a year prior. Saavedra was driving a dark colored minivan. He "blew a couple of stop signs," and they did a traffic stop at Olympic and Blaine in downtown Los Angeles. [redacted] said Saavedra's driving tactics that night led her to believe he might be trying to avoid being pulled over.

[redacted] thought at some point he knew they were behind him, and then after blowing through a second stop sign, [redacted] felt he was trying to avoid contact with them. He did yield when they turned on their lights. Saavedra told [redacted] the same story about the girl in the car being his informant. He also told her he and his mother live in the downtown area, and he frequently gets information from informants in that area for his job. Saavedra was given a warning and he was released.

[redacted] added that although she was frustrated with Saavedra and did not believe his explanation on the night on February 15, 2013, she felt he was otherwise cooperative.

**Witness Sergeant** [redacted] has been employed by the Los Angeles Police Department for the past 18 years, and has been a sergeant for nearly two years. She has been assigned to Rampart for many years, off and on, throughout her career. She was on duty, as a field sergeant, on the night of this incident.

Witness [redacted] related essentially the following:

She was in the field when she heard Officers [redacted] and [redacted] running a car license plate over the radio, and it returned, "No record on file." That drew her attention, as it could possibly be a stolen car. She went to the location of the traffic stop, at the Burger King, where she contacted her officers. She said she spoke to Deputy Saavedra, who was already out of the vehicle, for three to five minutes. During that conversation, she introduced herself, identified who he was and where he worked, and determined whether there was any police gear inside his vehicle. Sergeant [redacted] believed he told her that he worked narcotics at the Century Sheriff Station.

**Investigative Note:** Deputy Saavedra was heard on the recording telling Sergeant [redacted] that he worked at the Century Sheriff's Station. He was assigned to the Compton Station narcotics crew on the date of the incident, refer to **Exhibit J**.

[redacted] stepped away from Saavedra, at which point she contacted her watch commander and activated her personal voice recorder. [redacted] explained that LAPD officers are strongly urged to record all contact with the public. They are allowed to do so by law.

[redacted] recontacted Saavedra and had a lengthy conversation with him during which time he gave her the same basic story as he had to the officers. [redacted] turned her audio recorder off when Saavedra was driving away from the scene.

**Investigative Note:** The conversation between Saavedra and [redacted] occurred in a public place with no expectation of privacy. The entire conversation is contained in a DVD and was also transcribed (for both, refer to **Exhibit D**).

[redacted] did not believe what Saavedra had told her about the prostitute being his informant. She felt there were many "holes" in his story during her conversation with him, and she described his elaboration of the story as getting "bigger and bigger."

**Witness** [redacted] is a 37-year-old female who lives in Los Angeles. Ms. [redacted] is an admitted prostitute and has been arrested on at least 17 occasions, most of which were for drug or prostitution related charges (refer to her [redacted] arrest record, **Exhibit K**).

**Investigator's Note:** [redacted] was located at a hotel in downtown Los Angeles on February 19, 2013, by Lieutenants Stefanie Fredericks and Michael Thatcher. She willingly agreed to be interviewed. The interview was recorded, refer to transcripts for further.

Ms. [redacted] stated essentially the following:

[redacted] has been a prostitute for approximately fifteen years. She has known Deputy Saavedra for as many years. She did not know he was a deputy until the night of this incident (February 15, 2013), and she only knows him by the name of "George." [redacted] said she first met Saavedra about 15 years ago at a local "7-Eleven" convenience store. He asked her if she knew where he could score some dope (buy some drugs). She assumed that he was a drug user, but clarified she has never seen him use any drugs. They engaged in a five year quasi-dating relationship. During that five years, they would go out to eat and Saavedra "would take care of her." [redacted] said she and Saavedra have dated or gone out on approximately 60 occasions over the past 15 years. During that time, she never knew Saavedra was a law enforcement officer. She had no knowledge about any of Saavedra's personal information, whether he was married or had children, as she had never asked. [redacted] did not have that kind of relationship with Saavedra, and added that it was not like they were going to spend their lives together so she felt it was not her business to ask about his personal life.

In the past several years, [redacted] typical interaction with Saavedra would be that he would contact her, they would have a "date," during which Saavedra would feed her and give her money, typically amounts between $20 and $100. Sometimes Saavedra would pay for a hotel room where she would perform oral sex on him.

After the sex act, neither would stay the night in the hotel room and they would go their separate ways. [redacted] said she has never kissed Saavedra, as she does not kiss anyone.

[redacted] said over the years, she has seen Saavedra drive many different vehicles. She added that he was in a different car every time she saw him. She recalled him driving a dark colored truck, a green minivan, and the white car he was driving the night of the incident. She admitted to engaging in sexual acts inside his vehicles.

**Investigative note:** In 2010, Deputy Saavedra drove a Green Ford F-150 county vehicle. In 2011, he drove a beige Ford Windstar county van, refer to the Narcotics Bureau county vehicle records, **Exhibit F.**

**Investigative note:** **Exhibit F** contains hand written marks indicating license plate numbers and corrections to county vehicle numbers. These marks were created by the investigator. The original vehicle logs were provided by Narcotics Bureau Law Enforcement Technician Elena Perez who manages the Bureau's fleet of vehicles. The marks indicate vehicle number corrections, as well as corresponding license plate numbers as provided by LET Perez.

[redacted] said Saavedra learned she was a prostitute about five years ago, because she told him she was. That didn't change his behavior. He continued to "help" her in the same fashion he always had. In the past five years, Ms. [redacted] estimated she had seen Saavedra on four occasions. The nature of their contact was that he would see her on the street, pick her up and give her money, or take her out to eat. Sometimes she would give him oral sex, but it wasn't mandatory. [redacted] admitted to being a drug user. She did not believe Saavedra knew about her drug abuse issues. [redacted] confirmed that she has never worked as an informant for Saavedra.

[redacted] described her contact with Saavedra on the night of February 15, 2013. She had not seen him for about two years. She was standing on the sidewalk of James M. Wood when she saw a white car drive by, headed east on James M. Wood. She did not recognize the driver but he waved at her and told her to "come here" as he drove by. The car then effected a U-turn and drove up to her, stopping at the north curb of James M. Wood, between Burlington and Bonnie Brae Avenues. As she walked up to the passenger side of his car, she then recognized Saavedra. [redacted] said they were very happy to see each other. Saavedra told her to get in to his car, which she did.

Almost immediately after getting in to Saavedra's car, Saavedra heard the police loud speaker and told her the cops were behind them. Saavedra told her to get out of his car and she refused. She told Saavedra, " What am I gonna get out for? I said, that doesn't look good, you know? I just get in and so, let's go to Burger King."

Saavedra drove away from the curb and turned right into the alley. While they were driving, and the cops were behind them, Saavedra told her that he was a "cop," and instructed her to tell the LAPD officers that she was his informant, and everything would be okay. The police followed them with their blue lights on, and pulled them over in the Burger King parking lot.

The LAPD officers contacted [redacted] while she sat in the front passenger seat of Saavedra's car. She initially told them that she was his informant but then quickly admitted that was a lie. She didn't feel right about lying. She denied telling the officers that Saavedra had picked her up to engage in sexual activity.

*Subject's Statements*

**Subject Albert Saavedra** is a [redacted] Bonus I Deputy assigned to the Narcotics Bureau, Compton Station. He has been a member of the Sheriff's Department for 22 years, and has been assigned to Narcotics Bureau for over three years (both on loan and permanently assigned).

Saavedra has been assigned to the Compton Station narcotics crew since 2011. He spent approximately two months working the Century Narcotics crew (November 2012 - January 2013), and then returned to Compton (refer to copy of Narcotics Bureau Assignment Card, **Exhibit J**).

Saavedra admitted that he has known [redacted] since 1999 or 2000, where they met at a Blockbuster Video store. He was renting a video when they met. They exchanged telephone numbers. He denied meeting her at a "7-Eleven," and/or asking her if she knew where he could score some dope, as reported by [redacted] They started a casual dating relationship that he described as going to local fast food restaurants, driving around, and "hanging out."

Saavedra dated [redacted] casually, for two or three years but nothing more serious came of their relationship because he knew she had "problems." She had issues with her children, as well as some health issues. When they met, he had no knowledge that she was a drug user. He found out later that she was.

Saavedra said one of the main reasons their relationship did not get more serious is because she "smoked alot," both cigarettes and marijuana. He found out during the first year of their relationship that she smoked marijuana. He never saw her smoke marijuana, but she smelled like marijuana. He felt [redacted] knew that when they were going to get together, she had better extinguish her cigarette or joint before they met. He also learned [redacted] used cocaine during that first 2-3 year relationship. He had seen a cocaine pipe in her purse.

Saavedra explained that he never told [redacted] what he did for a living, adding that he doesn't share that with anyone, not even somebody he was dating. He told her he was a fireman. He also explained that although [redacted] knew his first name was "Al," she called him "George," because he reminded her of somebody with that name.

After the initial two or three year casual dating relationship, he would see [redacted] periodically, maybe four or five times a year. He would see her at the local "7-Eleven," or she would be hanging out in different places around the city. They would periodically go to the Burger King, or other restaurants to eat.

Saavedra said that although he knew [redacted] was not living a healthy lifestyle, and the possibility that she was a prostitute crossed his mind a few times, he did not know that she was a prostitute until the night of this incident (February 15, 2013). He said that in his fifteen-year patrol assignment, he had never participated in any prostitution stings, he had never arrested any prostitutes, and he had never received any training on prostitution activity.

Saavedra did clarify that his patrol training officer had shown him areas of possible prostitution, along with actual prostitutes, during his training. He said he would probably recognize a prostitute if he saw one.

**Investigative Note:** During Saavedra's conversation with LAPD Sergeant [redacted] he said he knew [redacted] had been a prostitute in the past, refer to DVD/Transcripts, **Exhibit D**.

Saavedra had heard "rumor," and "innuendo" that [redacted] was a prostitute, but he had never confirmed it. He had never asked [redacted] about it, and he had never looked at her arrest record. Approximately 7 or 8 years ago, Saavedra had been told by the local "7-Eleven" employee that [redacted] was a "working" girl but he didn't follow up on it. Since then, Saavedra and [redacted] would see each other sometimes once or twice a month, sometimes once or twice in a year, but he did not ever ask her if she was a prostitute. He did say that after the rumor and innuendo, he stopped going out with her to eat but he would bring her food when he saw her on the street, because she was down on her luck. Saavedra said he really began to suspect she was a prostitute within the past 2-3 years because he saw her loitering on the streets. Saavedra denied ever being told by [redacted] that she was a prostitute, as reported by [redacted]

Within that same 7-8 year period, he told [redacted] he was a police officer. Even though he had not told her what he did for a living when they were dating, he decided to admit what he did after he saw her engaged in "a lot of activity." He recalled seeing her in the middle of a hand-to-hand drug exchange when he was returning his videos to a local "Red Box." When he asked her about it, she asked him what he was going to do about it and if he was a cop, to which he responded, "Yeah." Saavedra had also seen [redacted] enter a garage at a home, and when she came out, he asked her if she had "copped some dope." She said she had.

Saavedra said that event occurred 7-8 years ago, and after the incident he called LAPD Rampart. He was transferred to an unknown voice mailbox. He left a message about his observations of the drug transaction in the garage. He didn't know whose answering machine he had left the message on and never heard back from LAPD.

Saavedra said he had not had any sexual contact with [redacted] since they stopped dating, 10-11 years earlier. Saavedra also denied engaging in sexual activity in any county cars. When asked about how [redacted] would know what types of county cars he drove, he thought she may have seen him driving in his work vehicles. He said he may have picked her up in one of them, 4-5 years ago, to take her to get some food but he wasn't sure.

Saavedra said that on the night of February 15, 2013, he left his house in his county car, headed to Burger King to get something to eat. He drove west on Olympic, to a northbound street, then east on James M. Wood.

**Investigative Note:** The distance from Subject Saavedra's home to the Burger King is approximately .77 miles with slight variances due to there being multiple possible routes of travel, refer to "Mapquest" printout, **Miscellaneous Documents**.

Saavedra saw [redacted] on the north sidewalk of James M. Wood when he was travelling west on James M. Wood. She waved at him and he waved back. He pulled up to the curb next to her. As [redacted] arrived at the front passenger door, she tried to get in to the car. Saavedra told her not to get in because she wasn't supposed to be in his car. He told her he was going to the Burger King for some food and that's when the police pulled up. He said he was going to get her some food from the Burger King, which is why he stopped when he saw her because he wanted to ask her if she wanted something to eat.

**Investigative Note:** Saavedra later said he stopped when he saw [redacted] out of "stupid curiosity," and he just wanted to see how she was doing.

When he told her to get out of his car, and that the police were behind them, she refused to get out. As Saavedra pulled away from the curb, he heard something on the police loud speaker but he continued driving. He turned north into the alley. While driving in the alley, he told [redacted] to relax and just tell the police that she was "providing him with information."

Saavedra denied driving at a rapid pace, or attempting to evade the police. He said his speed was very "slow," estimating 10-15 miles per hour. He said the officers' description of a rapid pace down the alley was a lie.

At the Burger King, the officers asked him to step out of the car. He was cooperative and did so. He showed them his Sheriff's identification card. He told both officers that [redacted] was his informant. Soon after, he had a conversation with LAPD Sergeant [redacted]. He also told her that [redacted] was his informant.

Saavedra said he felt he was as cooperative with the LAPD officers as he could be during their criminal investigation of prostitution activity. Saavedra admitted to "changing the characterization" of his relationship with [redacted] to the LAPD officers because he didn't want them to think he was associating with a known drug user, and not so much because of her prostitution activities. He said he used the term "informant" loosely, and it was a stupid thing to say. He added, "I was in a panic, and I was scared. And I wanted to characterize my relationship with her other than in that light." He did not recall telling the officers that he worked at Century Station narcotics, rather than where he actually worked (Compton).

**Investigative Note:** Based on the information provided by Deputy Saavedra, the LAPD watch commander contacted the [redacted] sergeant [redacted] that night to report the incident. Later that night, after the detention, Saavedra did notify his Compton sergeant, Joseph Fender, and reported the detention.

Saavedra recalled having contact with the two LAPD officers in the past. He did not remember why they had stopped him, or what car he was driving, but during that contact he showed them his Sheriff's identification and they let him go. Saavedra denied running stop signs, he denied having anyone in his vehicle, and he denied telling them he had an informant in his car. He said the LAPD officers' characterization and facts surrounding that contact were a "total lie." He denied having any other contacts with LAPD, other than maybe one traffic stop years ago.

**Investigative Note:** LAPD Rampart Sergeant [redacted] did a complete review of the LAPD Field Identification database. He did not locate any other contacts that LAPD has had with Deputy Saavedra, other than the 2012 traffic stop. In addition, the Rampart Vice Sergeant for the past four years (Sergeant [redacted]) was shown a picture of Deputy Saavedra. Neither he, nor any members of the vice crew recognized Deputy Saavedra and did not believe that they had any prior contact with him.

Saavedra admitted that he has been driving his narcotics undercover vehicles home on a periodic basis for the past 1-2 years. He said he had previously been admonished not to take the cars home by [redacted] Sergeant [redacted] and Joseph Fender, except on occasions where they had to respond straight to a search warrant or operation early the next morning.

Saavedra said he had no valid reason to be driving the county car the night of February 15, 2013, and he felt he had violated the county car policy (in addition to the Manual of Policy and Procedures, refer to the Narcotics Bureau Use of County Vehicles, **Exhibit H**).

**Investigative Note:** Each station narcotics crew was assigned "pool" vehicles for the detectives to utilize while on duty. To effectively track which pool car the detectives drove, narcotics bureau headquarters maintained a vehicle list (refer to **Exhibit F**).

Saavedra acknowledged that on the night of February 15, 2013, he was driving off-duty in his county vehicle, but he did not have his gun nor cell phone with him.



Leroy D. Baca, Sheriff

*County of Los Angeles*

**Sheriff's Department Headquarters**

*4700 Ramona Boulevard*
*Monterey Park, California 91754-2169*



May 29, 2013

[redacted]

Deputy Albert Saavedra, #[redacted]

Dear Deputy Saavedra:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business June 18, 2013.

An investigation under IAB File Number IV2329688, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section(s) 3-01/050.10, Performance to Standards, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, Obedience to Laws, Regulations, and Orders (as it pertains to 3-01/050.85, Fraternization and Prohibited Associations); and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct from 1999 through February 16, 2013, you failed to conform to the work standards established for your rank when you knowingly maintained a personal relationship or association with and did favors for [redacted] a known and admitted narcotics user and an actively working prostitute; and/or failed to report to your unit commander your personal relationship or association with [redacted] and/or you failed to adhere to the Core Values of the Department as you failed to apply wisdom and use common sense in your interactions with [redacted] and/or caused undue embarrassment to, and/or damaged the reputation of the Department; and/or brought discredit to yourself and/or the Department, as evidenced by, but not

limited to:

a. admitting on April 10, 2013, during a Department internal interview that you maintained a personal relationship with [redacted] since 1999 or 2000 even after discovering [redacted] was a narcotics user and an actively working prostitute, and/or;

b. admitting on April 10, 2013, during a Department internal interview that you saw [redacted] in possession of narcotics paraphernalia. You took no action except to tell [redacted] you were aware of her being a drug user because you recognized a narcotics pipe she possessed, and/or;

c. placing yourself in an unsafe situation while off duty on February 15, 2013 by intentionally picking up [redacted] in a Los Angeles County vehicle while being unarmed with no safety or communications equipment, and/or;

d. having sexual relations with [redacted] and providing her food and money on numerous occasions from 1999 to February 16, 2013 as part of your ongoing personal relationship, and/or;

e. being stopped by the same LAPD officers on February 22, 2012 and February 15, 2013 in a Los Angeles County Sheriff's Department vehicle while off duty with an unauthorized female in the vehicle on both occasions, and/or;

f. being described by LAPD officers as rapidly speeding away from them on two known occasions, February 22, 2012 and February 15, 2013, when you were stopped in Los Angeles County Sheriff's Department vehicles while off duty with unauthorized female passengers in the county vehicles on both occasions.

2. That in violation of Manual of Policy and Procedures Section(s) 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to 3-01/040.76, Obstructing an Investigation/Influencing a Witness); and/or 3-01/040.70, False Statements, and/or 3-01/040.85, Cooperation During Criminal Investigation, on or about February 15 and 16,

2013, you obstructed a criminal prostitution investigation by making false statements when interviewed by officers from the Los Angeles Police Department; and/or you unduly influenced [redacted] to give a false statement; and/or you did not cooperate with LAPD officers conducting a criminal prostitution investigation as evidenced by, but not limited to:

a. telling [redacted] at the time the LAPD officers stopped your vehicle, you were a deputy sheriff and unduly influencing [redacted] to tell the LAPD officers she was your informant, and/or;

b. stating to LAPD officers who detained you during a prostitution investigation that [redacted] was your informant, and/or;

c. admitting on April 10, 2013, during a Department internal investigation that you told LAPD officers, on February 15 and 16, 2013, that [redacted] was your informant because you did not want the LAPD officers to know you were associating with a known drug user and not because of [redacted] prostitution activity, and/or;

d. stating to LAPD officers you worked the Century Station Narcotics Crew when you actually worked the Compton Station Narcotics Crew.

3. That in violation of Manual of Policy and Procedures Section(s) 3-01/090.05, Use of County Vehicle; and/or 3-01/090.15, Unauthorized Persons – County Vehicle on or about February 15, 2013 and February 22, 2012, you drove your Los Angeles County Sheriff's Department vehicle without the knowledge or permission of your supervisor while off duty; and/or you picked up unauthorized persons and allowed them to ride in a Los Angeles County Sheriff's Department vehicle, as evidenced by, but not limited to:

a. admitting on April 10, 2013, during a Department internal interview that you used a Los Angeles County Sheriff's Department vehicle on February 15, 2013 while off duty and without the knowledge or permission of your supervisor, and/or;

b. admitting on April 10, 2013, during a Department internal interview that you permitted [redacted] to ride in the county vehicle. You said you did not invite [redacted] into the county vehicle. However, instead of remaining at the curbside, where she entered the county vehicle, and telling her to get out, you rapidly drove away with [redacted] in the county vehicle, and/or;

c. admitting on April 10, 2013, during a Department internal interview that you had no valid reason permitting you to drive the county vehicle while off duty on February 15, 2013, and/or;

d. admitting on April 10, 2013, during a Department internal interview that you believed you were in violation of the Department's policies regarding the use of county vehicles, and/or;

e. admitting to driving a county vehicle on February 22, 2012, when you were stopped by the same LAPD officers who stopped you on February 15, 2013, and/or;

f. having an unauthorized female in the county vehicle when you were stopped on February 22, 2012. You denied there was a female in the county vehicle with you. However, the LAPD notes from the vehicle stop document a female passenger in the vehicle at the time of the vehicle stop.

4. That in violation of Manual of Policy and Procedures Section (s) 3-01/040.70, False Statements; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about April 10, 2013, you made false statements when questioned; and/or failed to make full, complete and/or truthful statements during a Departmental internal investigation when you described your involvement with [redacted] and your actions regarding your contact on February 22, 2012 and detention on February 15 and 16, 2013 with LAPD officers, as evidenced by, but not limited to:

a. providing false or misleading statements regarding the length of time you had a personal relationship with

[redacted] and/or;

b. providing conflicting accounts of your knowledge of [redacted] narcotics use and involvement in prostitution, and/or;

c. stating during a Department internal interview, on April 10, 2013, you did not tell LAPD officers you worked Century Station even though it was clear from your statement recorded by LAPD Sergeant [redacted] during their contact on February 15 and 16, 2013 that you told her you worked narcotics at Century Station, and/or;

d. denying you had a female passenger in the county vehicle you were driving when you were stopped by LAPD officers on or about February 22, 2012 even though a female passenger was documented in the LAPD officers' notes from the vehicle stop, and/or;

e. telling LAPD officers the unauthorized female passenger with you in the county vehicle, on February 22, 2012, was your informant, and or;

f. claiming on April 10, 2013 in a Department internal investigation that the LAPD officers' account of the February 22, 2012 vehicle stop was a "total lie."

5. That in violation of Manual of Policy and Procedures Section (s) 3-01/050.10 Performance to Standards, from 1999 through February 16, 2013, you failed to conform to the work standards established for your rank when conducting narcotics investigations in the City of Los Angeles, as evidenced by, but not limited to:

a. stating you were attempting to gather narcotics information in the City of Los Angeles while off duty, and/or;

b. failing to report to a supervisor that you engaged in an undercover type investigation in the City of Los Angeles while off duty, and/or;

c. admitting you had no firearm, cellular telephone or other safety, tactical or communication equipment while contacting [redacted] for the purposes of

cultivating and/or using her as a narcotics informant, and/or;

d. failing to have tactical support from the Los Angeles County Sheriff's Department or other law enforcement agencies while conducting an undercover investigative operation in the City of Los Angeles, and/or;

e. failing to notify and/or request permission from LAPD to conduct an undercover investigative operation in the City of Los Angeles, and/or;

f. failing to check and notify law enforcement resources such as (LACLEAR) to ensure there were no tactical conflicts that could put the safety of the public and law enforcement at risk during your unauthorized and off duty undercover investigative activities particularly when meeting with [redacted] in the City of Los Angeles, and/or;

g. failing to have a partner or implement other safeguards when contacting and transporting a lone female to protect yourself and the Department against allegations of impropriety.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief William McSweeney, on June 18, 2013, at 1000 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to June 18, 2013, for your oral response, please call Chief McSweeney's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief McSweeney's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief McSweeney's office by no later than June 18, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the

conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief William McSweeney, Detective Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #IV2329688)




# CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES



January 26, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***ALBERT SAAVEDRA*** *for a hearing on his* **discharge**, *effective June 20, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-325**.

The Civil Service Commission, at its meeting held on January 21, 2015 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Albert Saavedra
Mitchell Kander
Nohemi Gutierrez-Ferguson
Robert Steinberg

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

| | |
|---|---|
| *In the matter of the **discharge**, effective June 20, 2013, from the position of Deputy Sheriff, Sheriff's Department, of*<br><br>**ALBERT SAAVEDRA**<br>**(Case No. 13-325)** | ORDER OF THE CIVIL SERVICE COMMISSION |

On January 21, 2015, the Civil Service Commission of the County of Los Angeles overruled the petitioner's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Robert Steinberg, to sustain the Department.

Dated this 28th day of January, 2015.

Z. GREG KAHWAJIAN, President

EVELYN V. MARTINEZ, Member

NAOMI NIGHTINGALE, Member

CAROL FOX, Member

JOHN DONNER, Member




LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION




In the Matter of Appeal from Discharge of)
)
ALBERT SAAVEDRA, )
)
Appellant, )
) Hearing Officer's Findings
and ) of Fact, Conclusions of
) Law and Recommended
LOS ANGELES COUNTY SHERIFF'S ) Decision
DEPARTMENT, )
)
Respondent. )
)
Case No. 13-325 )
)

Appearances: For Appellant: Mitchell S. Kander, Esq., Green & Schinee.

For Department: Nohemi Gutierrez-Ferguson, Esq., Gutierrez, Preciado & House.

Hearing Officer: Robert D. Steinberg.

## INTRODUCTION

Appellant was discharged from his position as Deputy Sheriff on June 24, 2013 for allegedly violating numerous Department policies. Appellant contested his discharge, received his *Skelly* due process hearing, and timely appealed his discharge to the Civil Service Commission (Commission). The matter was heard by the duly selected Hearing Officer on February 26, 2014, and June 13, 2014, and the evidence record perfected with the receipt of post-hearing briefs on August 1, 2014.

## ISSUES

The parties stipulated the following issues, as determined by the Commission, were properly before the Hearing Officer for adjudication:

1. Are the allegations contained in the department's letter of June 24, 2013 true?
2. If any or all are true, is the discipline appropriate?

## BACKGROUND

At all times material herein Appellant was a Deputy Sheriff assigned to the Compton Station Narcotics Division. As of February 15, 2013 he was a 22-year deputy, had received a promotion to Narcotics Division and his most recent performance evaluations were consistently outstanding. In one evening his standing in the Department abruptly changed.

At approximately 11 p.m. on February 15, 2013 Appellant, while off duty, was driving an unmarked Sheriff's Department vehicle in the neighborhood of Bonnie Brae Street in the Pico-Union area of downtown Los Angeles. While driving he espied a woman on the street, [redacted] whom he knew and had previously dated. He stopped, they briefly spoke, and she entered his vehicle. As he proceeded to drive off into an alley, he was confronted by an LAPD patrol vehicle which had been canvassing the area for prostitution activity. Appellant exited the alley at Burger King Restaurant.

Both he and Ms. [redacted] were questioned by two LAPD officers and later joined by an LAPD sergeant, and their detention took up to two hours. After confirming Appellant was a deputy sheriff, and conferring with their supervisor, LAPD personnel allowed the couple to leave without charging either Appellant or [redacted] with a crime. However, the Sheriff's Department was informed of the incident, and this led to an administrative investigation.

The investigation consisted of a reading of the detention report by the LAPD, a recording (transcribed) of Sgt. [redacted] interrogation of Appellant and Ms. [redacted] and the Sheriff's Department interview of Appellant, and [redacted] and LAPD personnel, the Department concluded, as ultimately set forth in its Notice of Discharge, that Appellant violated Department protocol by his unauthorized use of

a Department vehicle while off duty, that he uttered a number of material misrepresentations to both the LAPD and the Department, that he had instructed [redacted] to lie on his behalf, and that he violated Department policy by knowingly fraternizing with a person known to be a prostitute and drug user. [1] The policies alleged to have been violated are:

3-01/050.10, Performance to Standards, 3-01/030.10, Obedience to Laws, Regulations and Orders, 3-01/050.85, Fraternization and Prohibited Associations, 3-01/030.05, General Behavior, 3-01/000.10, Professional Conduct, 3-01/1076, Obstructing an Investigation, 3-01/040.70, False Statements, 3-01/090.05, Use of County Vehicle, 3-01/090.15, Unauthorized Persons in a County Vehicle, 3-01/040.85, Cooperation During Criminal Investigation.

## SUMMARY OF THE EVIDENCE

It is undisputed that between 1999-2013 Appellant has had an ongoing relationship with [redacted] and that he had socially dated Ms. [redacted] for some three years prior to Appellant breaking off that relationship in approximately 2002. They both lived in the Pico-Union area and Appellant, until about 2-1/2 years prior to the date of the February 15, 2013 incident, would see [redacted] in the neighborhood

---

[1] The Notice of Discharge is Department Exhibit 28. An index of all exhibits entered into evidence herein, is attached hereto as Appendix I and made a part hereof.

some four to five times a year, he would sometimes buy her food, and sometimes give her money as she was known in the neighborhood to be down on her luck, and for a brief time, homeless.

The two patrol officers, [redacted] and [redacted] testified they stopped Appellant in the belief he was engaging a prostitute as that particular location was known as a locale of street walking. There were other women on the street when Appellant stopped and met with Ms. [redacted] The officers testified they recognized Appellant from a traffic stop approximately a year earlier, when he again had a female passenger in his vehicle. According to the officers Appellant told them he was a police officer who lived in the neighborhood, and Ms. [redacted] was an (unofficial) informant who gave him information regarding drug dealing.

At first, [redacted] confirmed this, but later stated she did not provide Appellant with any such information. She stated he had suggested she tell the officers that she was his informant after she asked him what she should say when questioned.

[redacted] told the officers she did not know Appellant's real name, but she called him "George," and she did not know he was a cop until he told her that night when they were stopped. She did not know it was Appellant who called her over to the car until she saw him through the window and then she entered the car. Appellant told

her to get out when he heard the patrol car's siren and saw the lights, but she did not in the belief that this would make the situation appear worse. [redacted] confirmed she was on the streets at 11 p.m. working at a prostitute, that she last saw Appellant some two years earlier and on that occasion gave him oral sex.

Appellant persisted in telling the officers that he knew [redacted] only as a neighbor and informant and that he did not know [redacted] was a prostitute, although he heard rumors of the same several years before. While Appellant told the officers that he passed along drug dealing information to the LAPD Ramparts Division Narcotics, he could not recall one name of an LAPD Ramparts Division Narcotics Officer.

LAPD Sgt. [redacted] also spoke with both Appellant and [redacted] that night and learned from [redacted] that Appellant had invited her to the car, contrary to Appellant stating that [redacted] got in the car on her own initiative. Ultimately Appellant conceded to [redacted] he knew years ago that [redacted] was a prostitute and probably was one again. [redacted] interview with both Appellant and [redacted] was tape recorded, and is in evidence herein. On it is Appellant stating he worked out of Century Station when in fact he worked out of Compton Station, (although he was loaned out to Century Station for a brief period late in 2012).

The Department's administrative investigation was conducted by Lt. Stefanie Fredericks and her investigation report is part of the record herein. Lt. Fredericks did not testify at the hearing. According to her report [redacted] spoke of her long-term social relationship with Appellant where they dated until Appellant learned that [redacted] used drugs, and even stated that Appellant learned some five years or so earlier that [redacted] was a prostitute; that she had probably volunteered this information. Appellant denied knowledge of this in his interview, stating that all he knew of her being a prostitute were rumors to that effect. He did say he suspected that might be the case. Appellant ultimately stated he knew that [redacted] smoked marijuana, and that he broke off their relationship because he found her with cocaine paraphernalia. He confirmed that prior to February 15, 2013 he had not seen [redacted] for approximately 2-1/2 years. He denied they had sex at that time.

The Department's final two witnesses were *Skelly* Hearing Officer Cmdr. Trace Allen and Station Chief William McSweeney. Allen testified to reviewing all the documents in evidence which, he believed, supported the Department's intended discharge of Appellant, and that nothing was presented by Appellant during the *Skelly* process to convince him otherwise. He stated he found most egregious Appellant's long, ongoing relationship with a known prostitute and narcotics user, his falsifications during the investigation of this matter, and that Appellant improperly

attained and improperly drove a Department vehicle for personal use.

Chief McSweeney enumerated in what ways Appellant had violated Department policies and procedures and to his accepting the validity of the reports and opinions of his investigator, the *Skelly* Hearing Officer and of his command staff in reaching his decision to terminate Appellant. He considered Appellant had a 14-year relationship, consisting of some 60 social interactions, with an individual known for engaging in criminal activity, and that this relationship violated the Department's Fraternization and Prohibited Associations policy, which mandates discharge for such a policy violation, notwithstanding the fact that Appellant had over 20 years of good service, numerous commendations, above average performance evaluations, and had earned a promotion to Narcotics Detective.

While [redacted] appeared at the hearing at the request of Appellant, she was not called to testify, and only Appellant testified on his behalf. He testified he was on his way to Burger King when he spotted [redacted] in the street, and wanted to know if she was all right, should he buy her food, and stated he was going to ask her about what type of narcotics activity was taking place in the neighborhood. When asked by Department counsel on cross-examination why he did not simply tell this to the LAPD officers, he said he was scared and in a panic because [redacted] was improperly in a County vehicle (which he knew he should not be driving). He

claimed [redacted] entered the car, even though he told her not to, that [redacted] said that her arthritis was bothering her legs.

On direct examination Appellant denied knowing [redacted] was a prostitute or a drug user other than her smoking marijuana. He later explained he broke off the relationship because she smelled of tobacco smoke and marijuana. He claimed he was shocked when LAPD informed him of Appellant's being a prostitute, though he had previously heard rumors to that effect. He also stated that he knew [redacted] had previously been a prostitute. When further asked about this, Appellant testified that this was before he started dating her.

Appellant denied telling [redacted] about what to tell the police officers after they were confronted. He suggested, after she asked him, to tell the officers "they were friends on their way to Burger King" and that Appellant wanted to ask her about recent narcotics activity in the neighborhood. On cross-examination Appellant stated that he told LAPD only that [redacted] was a source of information, and not that she was an official informant. He said he did not intend to say she was his unofficial informant, but after he was confronted with the transcript of his prior statements to LAPD, Appellant acknowledged that he did state that [redacted] was an informant as she was street savvy and possibly a drug user herself.

Appellant contradicted [redacted] investigatory statements that Appellant did not refer to himself by name, stating she knew he was "Al" even though she called him "George," that she did call him, at times by his first name. He testified [redacted] knew years before February 15, 2013 that he was a police officer although he did not tell her that when they were dating.

Appellant, when interviewed by the Department, told Lt. Fredericks that he did not tell LAPD he was assigned to Century Narcotics, but on cross-examination, after his statement to Sgt. Jones was referenced, he stated he was asked where he had worked and that he answered "Century" as it was was one of the divisions in which he worked during his 15-years in patrol and narcotics.

Appellant confirmed he knowingly violated policy by his use of an unmarked Department vehicle, and he acknowledged he was aware of the Department's policies and procedures and that he was subject to discharge under the anti-fraternization policy. While disputing his having been knowledgeable of [redacted] criminal activity, and that was unaware of her "rap sheet" showing multiple arrests for prostitution and narcotics violations, he argued his sporadic contact with an old neighborhood friend, with February 15, 2013 being the first time they had spoken in 2-1/2 years, did not constitute a prohibited association within the meaning of Policy.

SUMMARY OF PARTY POSITIONS

Department: The following facts have been proved by a preponderance of the credible evidence to be in violation of Department policies, and are so serious as to warrant discharge:

Appellant maintained a personal relationship since 1999 or 2000 with a known narcotics user and actively working prostitute, and failed to report this relationship to his superiors. On numerous occasions he provided her with food, money and they had sexual relations.

Appellant knowingly drove a County vehicle without authorization in violation of Department policy, and he further violated policy by having a private citizen in the car.

February 15, 2013, was the second time Appellant was stopped by LAPD with a female passenger in a County vehicle, and during the February 15, 2013 incident he misrepresented what his assignment was and said [redacted] was his informant. He unduly influenced [redacted] to tell LAPD she was his informant after he identified himself to her as a Deputy Sheriff.

During the Department Investigation Appellant misrepresented material facts when he gave conflicting statements as to where he was assigned as of the February 15, 2013 traffic stop, whether he knew and when he knew [redacted] was a

prostitute and drug user, and by denying he had a female passenger in his car when he was stopped in 2012 despite the fact that this was noted by the same officers involved in the 2012 and 2013 stoppages.

Appellant misrepresented he performed narcotics investigations within the jurisdiction of the LAPD's Rampart Division. That he would do so without informing either Rampart or his superiors raised a serious safety issue as did his allowing citizens to enter his police vehicle when he was unarmed.

While Appellant attempted to put a benign face on his activity in his hearing testimony, and in his statements to LAPD and Department Investigator Lt. Fredericks, he failed to credibly explain his earlier admission of knowing [redacted] to be a prostitute and drug user, and sought to mischaracterize his relationship with her.

He clearly failed to accept responsibility for his 11 violations of policy, and by his conduct and efforts at self preservation he betrayed his sworn duty and the performance of his peace officer responsibilities. Appellant's conduct herein constituted a serious breach of his public trust, and given the egregious nature of Appellant's misconduct, which brought discredit upon himself and the Department, there should be no question that discharge was the appropriate discipline, however.

Appellant: The only violation of policy by Appellant was his unauthorized use of the Department vehicle. This warrants suspension. As to all other charges, they

are not supported by the evidence, and where credibility is concerned, the statements made by Appellant to LAPD, to Lt. Fredericks and at the hearing are consistent and reliable.

Appellant constantly maintained he had no personal knowledge [redacted] was a prostitute, saying he never asked her and she never told him of her criminal background, and that he never sought to examine criminal documents. Appellant never paid [redacted] for sex. [redacted] could not recall how Appellant would have known she was a prostitute only, that she "probably" told him a couple years ago, however he told Lt. Fredericks,. . . "I'm all fucked up." Only when told by LAPD that [redacted] was a prostitute did Appellant state she was probably a prostitute before. He was just surmising.

Appellant's testimony was also consistent regarding his lack of knowledge of [redacted] use of narcotics. He never saw [redacted] use marijuana or cocaine, and having been in possession of a marijuana pipe is not illegal. In any event, his relationship with [redacted] over the last 10 years was limited to brief, casual contacts and was not a "Prohibited Association" within the Department's anti-fraternization policy. After not having seen one another for 2-1/2 years, it was [redacted] not Appellant, who initiated a contact between them on February 15, 2013.

As stated above, [redacted] was an untrustworthy witness and the Department placed too great a reliance on her hearsay statements and misinterpreted the facts. It failed to prove Appellant obstructed an investigation. Appellant's hearing testimony was consistent with his earlier assertions that [redacted] was not an informant and that he only asked her about local drug activity as he was interested in knowing what was going on in the neighborhood. In Appellant's mind [redacted] was an unofficial informant. In no event could his statements in this regard constitute a basis for finding he conducted narcotics investigations in Los Angeles City as alleged.

When the reports, interview and hearing transcripts are read in their entirety Appellant is to be credited as to his veracity with both the LAPD and the Department regarding all aspects of this case, including his having been wrongfully stopped on February 22, 2012. He vehemently denied having a passenger in the car on that occasion, as well as there having been any legitimate reason why the LAPD would have detained him.

Ultimately, in light of Appellant's 22 years of exemplary performance with the Department, with only one negative performance matter on his disciplinary record, and because discharge is not mandated by any policy section alleged to have been violated, any policy violations found beyond the improper use of a County vehicle should warrant only a suspension, and not discharge.

DISCUSSION

The sum and substance of Appellant's position is that he is a good guy - as attested to by [redacted] - as well as being a good Deputy - as attested to by Chief McSweeney and Appellant's "outstanding" performance evaluations. He readily admitted to having violated Department policy regarding his improper personal use of the Department unmarked vehicle. In all other regards he claims to being misrepresented and/or misunderstood, and that the Department's findings of fact and alleged policy violations are unsupported and unjustified.

While the bulk of the evidence herein are out-of-hearing utterances, much of which being unsupported by hearing testimony, with the possible exception of Damita Owens' statements to the LAPD and the Department's investigator, the admissibility of such evidence has not been contested, and may not even constitute impermissible hearsay in court. Both LAPD officers involved testified. LAPD Sgt. [redacted] on-scene interviews were recorded and transcribed, as was Appellant's departmental interview.

While [redacted] was physically short on memory when questioned about the details of her relationship with Appellant prior to February 15, 2013, her certainty and the validity of her statements regarding their 13-14-year relationship, and more importantly what occurred on February 15-16, 2013, should not automatically be

discounted because of her use of drugs and/or the nature of her profession. Her investigatory statements deserve to be judged based on her consistency, its relationship to the entirety of the evidence and, most particularly, in light of Appellant's credibility. By her nature she was supportive of, and not hostile to, Appellant. She did not want to see him harmed. It is credible that whatever her other faults, she did not wish to lie.

[redacted] candidly admitted she was a prostitute working the streets the night of February 15, 2013. The critical question is whether Appellant knew this. He must have. LAPD recognized [redacted] as a prostitute since she was on the streets late at night with others of a similar bent. If they knew what she was doing how could Appellant, as an experienced patrol officer, have been oblivious to this fact when this was occurring on his "home turf," as it were, where he had resided for more than 14 years and he regularly saw her on the streets for much of that time. He did not recognize her as merely walking toward Burger King or some other restaurant after 11 p.m. on February 15, 2013.[2]

If all Appellant wanted to do was say "hi" and ask whether she was hungry, there was no need for him to panic, as he said he did, when he realized he was about

---

[2] She stated was standing at or near the entrance of the alley when Appellant pulled over.

to be stopped and questioned by LAPD. He never should have moved if [redacted] entered the vehicle and failed to exit contrary to Appellant's instructions, or he should have stopped mid-alley if this is when he realized he was being stopped.

Sealing Appellant's fate in determining he knew that [redacted] was a prostitute, as she "probably" told him so (although she couldn't quite recall how he did know), were his inconsistent answers and strained explanations about his knowledge thereof, subsequent to three years of dating, while interacting some four to five times a year, when he provided her meals and money. It is credible that beyond hearing reports [redacted] was a prostitute several years before February 15, 2013, he did, in fact, recognize this to be true.[3] At one point Appellant conceded to Sgt. [redacted] he did know [redacted] was a prostitute prior to February 15, 2013, but later, incredibly, tried to explain that by his use of the word "earlier" he meant prior to his dating her.

It is appropriate to infer from Appellant's claim that he would use [redacted] as an informal source of information about narcotics activity in the neighborhood because she was "street savvy" was truly predicated on the fact that she was working the streets for either or both prostitution and drug purchasing, not because she got hungry late at night. One might also conclude that Appellant, himself left home

---

[3] He told Lt. Fredericks he "suspected some two or three years ago" [redacted] was a prostitute "just from her hanging out in the streets."

left home late in the evening of February 15, 2013 [4] (when he was due back at work at 7 a.m. or earlier the following morning), not for a meal at Burger King, but in the hope of "getting lucky," and that if he found [redacted] it would lead to the same sexual activity his previous encounter did, at least according to [redacted]

Appellant was similarly vague as to [redacted] use of drugs, at once stating he did not know her to use drugs, but did see her in possession of a cocaine pipe and that he believed her to be a user. He stopped dating her in part because her breath smelled from cigarettes and marijuana and said he saw her on the streets about seven or eight years earlier making a drug buy. He told Lt. Fredericks at one point, "yeah she used cocaine."

So, while the Department (and LAPD) knew [redacted] to have been a prostitute and drug user over the life of her relationship with Appellant, the question it had to prove was Appellant knew that fact as well. It did, in fact, satisfy its burden of proving that over a prolonged, definable period of time, culminating on February 15, 2013, Appellant knew [redacted] to be a working prostitute and drug user during their continual, albeit somewhat sporadic, inter-relationship which included sexual favors.

---

[4] At hearing, he implied he was on his way home from the Compton Station after ending his shift (at 4 p.m.), and doing his laundry.

[5] Appellant denied having any sex with [redacted] after they stopped dating. I do not doubt [redacted] in this regard.

His knowledgeable relationship with [redacted] can reasonably be interpreted to fall within the prohibition of Department Policy 3-01/050.85, Fraternization and Prohibited Associations.

Appellant admittedly violated Policy 3-01/090.05, Use of a County Vehicle, by his unauthorized personal use of a Department vehicle, and by its finding that he violated Policy 3-01/090.15 by driving an unauthorized passenger. Whether Appellant invited [redacted] into the car or she entered it on her own accord is not significant. By approaching her as he did, with the window open and the door apparently unlocked, he suffered and permitted her to enter the vehicle contrary to policy. The credible evidence is he did not urge her to get out of the vehicle until the LAPD intervened.

I credit [redacted] that Appellant suggested to her when they were stopped, that she tell the LAPD that she was an informant. That is what [redacted] first told LAPD, but when questioned she admitted she was not an informant, (official or otherwise). She would have had no reason on her own to advance the informant claims to the LAPD officers, and her disclaimer that she was following Appellant's lead would have been consistent with Appellant's design to press this fiction upon the officers. In context, it was not a benign generic reference to her merely telling him about narcotics dealing activity, as Appellant would argue, but an attempt by

LAPD, but when questioned she admitted she was not an informant, (official or otherwise). She would have had no reason on her own to advance the informant claims to the LAPD officers, and her disclaimer that she was following Appellant's lead would have been consistent with Appellant's design to press this fiction upon the officers. In context, it was not a benign generic reference to her merely telling him about narcotics dealing activity, as Appellant would argue, but an attempt by Appellant to extract himself from the horns of a dilemma. He pursued the course of her being an informant by saying he reported, at times, the drug activity to Rampart Station Narcotics, but when questioned he was unable to name which Narcotics officer or officers he interacted.

His misrepresentations in regards to [redacted] being an informant, coupled with other confusing and misleading statements to both the LAPD and the Department's investigator slowed, hindered and made more difficult the various Agency inquiries, and it was reasonable for the Department to find and conclude that Appellant violated nine of the policies set forth in the Notice of Discharge, and, in particular, all the non-generic, fact-specific ones.

If this matter were merely one instance of a Deputy Sheriff attempting to solicit the services of a known prostitute whom he had befriended and cared about in the past, I would have no hesitancy to recommend a suspension as suggested by

period, in addition to his knowingly violating Department policy over a prolonged period by utilizing a Department vehicle for personal use without permission and, ultimately, engaging in a series of misrepresentations in order to escape or minimize the effects of his misbehavior herein.

Because these violations evidence a serious character defect, wherein discharge is suggested, if not directed, I cannot find the Department's exercise of judgment that Appellant eroded his public trust, thereby warranting discharge, is an abusive exercise of judgment, or is erroneous or otherwise inappropriate.

## FINDINGS OF FACT

A. Of the specific, non-conclusionary policy violations alleged, a preponderance of evidence supports the findings that:

1. Appellant used Department vehicle without the knowledge or permission of supervision and permitted an unauthorized person to ride in a Department vehicle in violation of Policy 3-01/090.05 and Policy 3-01/090.15.

2. By his relationship with [redacted] a person known to him to be a working prostitute and drug user, Appellant violated Policy 3-01/050. 85, Fraternization and Prohibited Associations in that he maintained a personal relationship with a person who has an "open and notorious reputation for criminal activity, or where the association would otherwise be detrimental

to the Department."

3. By his suggesting to [redacted] on February 15, 2013 to tell officers of the Los Angeles Police Department she was his informant, Appellant failed to cooperate with a (potential) criminal investigation in violation of Policy 3-01/.040.85 and Policy 3-01/040.76, Obstructing an Investigation/Influencing a Witness.

4. Appellant violated Policy 3-01/040.75, Making False Statements During Departmental Internal Investigation, as well as Policy 3-01/040.70, False Statements, by his misrepresentations about his not knowing [redacted] to be a prostitute and drug user, by his use of her as an informant regarding narcotics activity in the jurisdiction of the LAPD Rampart Division, his working in the Century Station on February 15, 2013, rather than in Compton, his denial of the fact he was with a female passenger when he was detained on February 22, 2012 and by testifying there was no legitimate reason for the LAPD to have stopped him on that occasion.

B. As a general, conclusionary matter, by his proved misconduct set forth in Findings A1 through 4 above, the Department correctly found Appellant's conduct violated Policy 3-01/050.10, Performance to Standards, 3-01/030.10, Obedience to Laws, Regulations and Orders, 3-01/030.05,

General Behavior, and 3-01/100.10, Professional Conduct.

C. 2. By his above-referenced misconduct, Appellant caused embarrassment to the Department, damaged its reputation, discredited himself, failed to adhere to the core values of the Department, and meet expected work standards.

D. The Department failed to prove by a preponderance of the evidence:

1. That Appellant improperly conducted narcotics investigations in Los Angeles City and placed himself in danger when doing so.

2. That Appellant placed himself in a dangerous situation on the night of February 15, 2013.

## CONCLUSIONS OF LAW

1. The allegations against Appellant contained in the Department's Notice of Discharge, dated June 24, 2013, are true to the extent set forth in the Findings of Fact A1 through 4 above.

2. By virtue of the totality and seriousness of the sustained violations of Department Policy, discharge is the appropriate level of discipline.

<u>RECOMMENDATION</u>

Accordingly, the undersigned Hearing Officer respectfully recommends the Commission sustain its discharge of Appellant and deny his appeal herein.

Dated this 6th day of September, 2014.

Respectfully,

R. D. Steinberg

Robert D. Steinberg
Hearing Officer

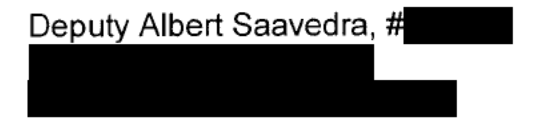


# County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF


June 24, 2013

Deputy Albert Saavedra, #[redacted]

[redacted]

Dear Deputy Saavedra:

On May 29, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2329688. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on June 20, 2013.

An investigation under File Number IAB 2329688, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section(s) 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 3-01/050.85, Fraternization and Prohibited Associations); and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct from 1999 through February 16, 2013, you failed to conform to the work standards established for your rank when you knowingly maintained a personal relationship or association with and did favors for [redacted] a known and admitted narcotics user and an actively working prostitute; and/or

failed to report to your unit commander your personal relationship or association with [redacted] and/or you failed to adhere to the Core Values of the Department as you failed to apply wisdom and use common sense in your interactions with [redacted] and/or caused undue embarrassment to, and/or damaged the reputation of the Department; and/or brought discredit to yourself and/or the Department, as evidenced by, but not limited to:

a. admitting on April 10, 2013, during a Department internal interview that you maintained a personal relationship with [redacted] since 1999 or 2000 even after discovering [redacted] was a narcotics user and an actively working prostitute, and/or;

b. admitting on April 10, 2013, during a Department internal interview that you saw [redacted] in possession of narcotics paraphernalia. You took no action except to tell [redacted] you were aware of her being a drug user because you recognized a narcotics pipe she possessed, and/or;

c. placing yourself in an unsafe situation while off duty on February 15, 2013 by intentionally picking up [redacted] in a Los Angeles County vehicle while being unarmed with no safety or communications equipment, and/or;

d. having sexual relations with [redacted] and providing her food and money on numerous occasions from 1999 to February 16, 2013 as part of your ongoing personal relationship, and/or;

e. being stopped by the same LAPD officers on February 22, 2012 and February 15, 2013 in a Los Angeles County Sheriff's Department vehicle while off duty with an unauthorized female in the vehicle on both occasions, and/or;

f. being described by LAPD officers as rapidly speeding away from them on two known occasions, February 22, 2012 and February 15, 2013, when you were stopped in Los Angeles County Sheriff's Department vehicles while off duty with unauthorized female passengers in the county vehicles on both occasions.

2. That in violation of Manual of Policy and Procedures Section(s) 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to 3-01/040.76, Obstructing an Investigation/Influencing a Witness); and/or 3-01/040.70, False Statements, and/or 3-01/040.85, Cooperation During Criminal Investigation, on or about February 15 and 16, 2013, you obstructed a criminal prostitution investigation by making false statements when interviewed by officers from the Los Angeles Police Department; and/or you unduly influenced [redacted] to give a false statement; and/or you did not cooperate with LAPD officers conducting a criminal prostitution investigation as evidenced by, but not limited to:

   a. telling [redacted] at the time the LAPD officers stopped your vehicle, you were a deputy sheriff and unduly influencing [redacted] to tell the LAPD officers she was your informant, and/or;

   b. stating to LAPD officers who detained you during a prostitution investigation that [redacted] was your informant, and/or;

   c. admitting on April 10, 2013, during a Department internal investigation that you told LAPD officers, on February 15 and 16, 2013, that [redacted] was your informant because you did not want the LAPD officers to know you were associating with a known drug user and not because of [redacted] prostitution activity, and/or;

   d. stating to LAPD officers you worked the Century Station Narcotics Crew when you actually worked the Compton Station Narcotics Crew.

3. That in violation of Manual of Policy and Procedures Section(s) 3-01/090.05, Use of County Vehicle; and/or 3-01/090.15, Unauthorized Persons – County Vehicle on or about February 15, 2013 and February 22, 2012, you drove your Los Angeles County Sheriff's Department vehicle without the knowledge or permission of your supervisor while off duty; and/or you picked up unauthorized persons and

allowed them to ride in a Los Angeles County Sheriff's Department vehicle, as evidenced by, but not limited to:

a. admitting on April 10, 2013, during a Department internal interview that you used a Los Angeles County Sheriff's Department vehicle on February 15, 2013 while off duty and without the knowledge or permission of your supervisor, and/or;

b. admitting on April 10, 2013, during a Department internal interview that you permitted [redacted] to ride in the county vehicle. You said you did not invite [redacted] into the county vehicle. However, instead of remaining at the curbside, where she entered the county vehicle, and telling her to get out, you rapidly drove away with [redacted] in the county vehicle, and/or;

c. admitting on April 10, 2013, during a Department internal interview that you had no valid reason permitting you to drive the county vehicle while off duty on February 15, 2013, and/or;

d. admitting on April 10, 2013, during a Department internal interview that you believed you were in violation of the Department's policies regarding the use of county vehicles, and/or;

e. admitting to driving a county vehicle on February 22, 2012, when you were stopped by the same LAPD officers who stopped you on February 15, 2013, and/or;

f. having an unauthorized female in the county vehicle when you were stopped on February 22, 2012. You denied there was a female in the county vehicle with you. However, the LAPD notes from the vehicle stop document a female passenger in the vehicle at the time of the vehicle stop.

4. That in violation of Manual of Policy and Procedures Section (s) 3-01/040.70, False Statements; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about

April 10, 2013, you made false statements when questioned; and/or failed to make full, complete and/or truthful statements during a Departmental internal investigation when you described your involvement with [redacted] and your actions regarding your contact on February 22, 2012 and detention on February 15 and 16, 2013 with LAPD officers, as evidenced by, but not limited to:

a. providing false or misleading statements regarding the length of time you had a personal relationship with [redacted], and/or;

b. providing conflicting accounts of your knowledge of [redacted] narcotics use and involvement in prostitution, and/or;

c. stating during a Department internal interview, on April 10, 2013, you did not tell LAPD officers you worked Century Station even though it was clear from your statement recorded by LAPD Sergeant [redacted] during their contact on February 15 and 16, 2013 that you told her you worked narcotics at Century Station, and/or;

d. denying you had a female passenger in the county vehicle you were driving when you were stopped by LAPD officers on or about February 22, 2012 even though a female passenger was documented in the LAPD officers' notes from the vehicle stop, and/or;

e. telling LAPD officers the unauthorized female passenger with you in the county vehicle, on February 22, 2012, was your informant, and or;

f. claiming on April 10, 2013 in a Department internal investigation that the LAPD officers' account of the February 22, 2012 vehicle stop was a "total lie."

5. That in violation of Manual of Policy and Procedures Section (s) 3-01/050.10 Performance to Standards, from 1999 through February 16, 2013, you failed to conform to the work standards established for your rank when conducting narcotics investigations in the City of Los Angeles, as evidenced by, but not limited to:

a. stating you were attempting to gather narcotics information in the City of Los Angeles while off duty, and/or;

b. failing to report to a supervisor that you engaged in an undercover type investigation in the City of Los Angeles while off duty, and/or;

c. admitting you had no firearm, cellular telephone or other safety, tactical or communication equipment while contacting [redacted] for the purposes of cultivating and/or using her as a narcotics informant, and/or;

d. failing to have tactical support from the Los Angeles County Sheriff's Department or other law enforcement agencies while conducting an undercover investigative operation in the City of Los Angeles, and/or;

e. failing to notify and/or request permission from LAPD to conduct an undercover investigative operation in the City of Los Angeles, and/or;

f. failing to check and notify law enforcement resources such as (LACLEAR) to ensure there were no tactical conflicts that could put the safety of the public and law enforcement at risk during your unauthorized and off duty undercover investigative activities particularly when meeting with [redacted] in the City of Los Angeles, and/or;

g. failing to have a partner or implement other safeguards when contacting and transporting a lone female to protect yourself and the Department against allegations of impropriety.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

WILLIAM J. MCSWEENEY, CHIEF
DETECTIVE DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

WJM:AEA:jp

c: Advocacy Unit
William J. McSweeney, Chief, Detective Division
Roderick A. Kusch, Captain, Narcotics Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration